

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JASON M. FRANCIS,

Plaintiff,

v.

**Case No.: 2:17-cv-1022
JUDGE GEORGE C. SMITH
Magistrate Judge Vascura**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

This case is before the Court to consider the *Report and Recommendation* issued by the Magistrate Judge on September 18, 2018. The Magistrate Judge recommended that Plaintiff's Statement of Errors be overruled and the decision of the Commissioner of Social Security be affirmed. (*See Report and Recommendation*, Doc. 15). This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 16). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff raises one main objection to the ALJ and Magistrate Judge's findings: the ALJ failed to properly account for all of the credited mental health limitations. Specifically, Plaintiff asserts that the ALJ's mental residual functional capacity ("RFC") did not contain the opinions of the state agency psychologists who opined that Plaintiff was restricted to limited and superficial interaction with others, as well as being restricted to limited fact paced production standards. (Doc. 16 at 2, citing R. at 99, 110).

Plaintiff further asserts that the ALJ should have gathered more evidence from the vocational expert at the hearing. And the ALJ should have accounted for all of the credited limitations opined by the state agency psychologists. The ALJ was required to explain the rationale behind her decisions.

This objection presents the same issue already presented to, and carefully considered by, the Magistrate Judge in the *Report and Recommendation*. Plaintiff has not presented any new evidence or argument other than what was previously presented in his Statement of Errors. Plaintiff merely disagrees with the ALJ and Magistrate Judge's conclusions. Specifically with respect to consideration of the RFC limitations, the Magistrate Judge found any such error to be harmless and the Court agrees. The psychologists did not find that Plaintiff could not perform fast-paced work, only that the amount of fast-paced work should be limited. (Doc. 15 at 9, citing R. At 67 and 78). Further, most of the jobs identified by the ALJ do not require fast-paced production standards and Plaintiff can perform them with limited relationships to people, another limitation.

The Court has carefully considered Plaintiff's objection, but finds that the decision of the ALJ was supported by substantial evidence as acknowledged in detail in the Magistrate Judge's *Report and Recommendation*. Therefore, for the reasons stated in the well-reasoned *Report and Recommendation*, this Court finds that Plaintiff's objection is without merit.

Based on the aforementioned and the detailed *Report and Recommendation*, the Court finds that Plaintiff's objection has been thoroughly considered and is hereby **OVERRULED**. Accordingly, the *Report and Recommendation*, Document 15, is **ADOPTED** and **AFFIRMED**.

Plaintiff's Statement of Errors is hereby **OVERRULED**, and the decision of the Commissioner of Social Security is **AFFIRMED**.

The Clerk shall remove Documents 15 and 16 from the Court's pending motions list, and enter final judgment in favor of Defendant, the Commissioner of Social Security.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT